

MAR 2 5 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Chandler et al.

Serial No. 09/662,790

Filed: September 15, 2000

For: CREATION OF A DATABASE OF
BIOCHEMICAL DATA AND
METHODS OF USE

\$

Group Art Unit: 1631 Examiner: Lori A. Clow

Atty. Docket No. 5868-02801

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below:

3.25.05 Dale

<u>Oarnela F</u> Pannela Gerik

PETITION UNDER 37 C.F.R. §1.47(a)

MS: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Dear Sir/Madam:

Enclosed herewith are the following:

• Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor under 37 C.F.R. § 1.47(a) with attachments;

Please address all correspondence in connection with this application to: <u>Customer No. 35617</u>

The Commissioner is authorized to charge the required fees to Daffer McDaniel, LLP Deposit Account No. 50-3268/5868-02801.

Respectfully submitted,

anopingwheth

Ann Marie Mewherter Reg. No. 50,484 Agent for Applicants

Daffer McDaniel, LLP P. O. Box 684908 Austin, Texas 78768-4908 Ph: (512) 476-1400

. Date:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:		§	Group Art Unit: 1631
Chandler et al.		§ &	Examiner: Lori A. Clow
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Filed:	September 15, 2000	\$ §	I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:
For:	CREATION OF A DATABASE OF BIOCHEMICAL DATA AND	Š	Commissioner for Patents, P.O. Box 1450, Alexandria, VA
		§	22313, on the date indicated below:
	METHODS OF USE	§	DAS OF A. A. Dail
		§	3. 25. 05 <u>Barnela Derik</u>
			- priori Cicia

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Dear Sir/Madam:

This statement is as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration under 37 C.F.R. § 1.131 by the non-signing inventor, Mark Chandler, for the above-identified patent application.

This statement is being made by the undersigned, having first-hand knowledge of the facts recited herein.

I, Ann Marie Mewherter, do hereby declare that:

- 1. I am a registered patent agent commissioned on behalf of Luminex Corporation to prosecute the captioned matter before the U.S. Patent & Trademark Office.
- 2. Mark Chandler is a co-inventor of the captioned patent application.
- I was commissioned to prepare a response to an Office Action Mailed December 28, 2004.
- 4. In order to prepare a complete response, a corrected Declaration was needed since the previous Declaration signed by Mark Chandler and filed in the case was not dated.

- 5. The new Declaration was forwarded to Mark Chandler via certified mail, return receipt requested. Attached is a copy of the letter and return receipt.
- 6. Despite receiving the documents, Mark Chandler refuses to sign the corrected Declaration.
- 7. Mark Chandler is no longer employed by the assignee, Luminex Corporation.
- 8. The last known address of Mark Chandler is 4 Niles Road, Austin, Texas 78703.

Respectfully submitted,

ampainquherto

Ann Marie Mewherter Reg. No. 50,484

Agent for Applicants

Daffer McDaniel, LLP P.O. Box 684908 Austin, Texas 78768-4908 512/476-1400

Date: